

EXHIBIT 2

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

GINA ANNE NOEL PANE,

Plaintiff,

-against-

Index No.

07 CV 3216

(WP4)(LMS)

THE TOWN OF GREENBURGH, JOHN KAPICA, in his
Capacity as CHIEF OF THE GREENBURGH, NEW YORK
POLICE DEPARTMENT, ERIK WARD, POLICE OFFICER
MICHAEL MUESSER, SERGEANT ROBERT GRAMAGLIA,
SERGEANT FRANCIS PUMILLO, DETECTIVE FERTIG, JOHN
DOE POLICE OFFICERS 1-10, SO NAMED AS THEIR
IDENTITIES HAVE YET TO BE ESTABLISHED,

Defendants.

- - - - -X

November 7, 2007

10:45 a.m.

DEPOSITION of ADELE PANE, non-party witness
herein, taken pursuant to subpoena, and held at
the offices of Stecich Murphy & Lammers, 828 South
Broadway, Suite 201, Tarrytown, New York, before
Michael McAliney, a Court Reporter and Notary
Public of the State of New York.

RECEIVED

NOV 21 2007

TLFRB

ADELE PANE

209

1 as Defendants' Exhibit 2?

2 A. Yes, here it is, yes. (Indicating.)

3 Q. Two-page document?

4 A. Yes.

5 Q. It's on the letterhead of Tony Castro?

6 MR. BATRA: I'll object to this, because
7 much like the medicine boxes that Mrs. Pane
8 brought, medicine that belongs to Gina Pane,
9 this bill that I'm looking at is dated August
10 18th, 2006, it's submitted to Gina Pane
11 exclusively, not to Mr. and Mrs. Pane the
12 parents. And, yet, because it's home, Mrs.
13 Pane's bringing stuff that is attorney/client
14 privilege and, therefore, I object to it.

15 MR. TROETTI: What attorney/client
16 information is set forth on this invoice?
17 well, let me ask you this question, are you
18 withdrawing any claim you might have asserted
19 on behalf of Gina for reimbursement of legal
20 fees in defense of the criminal proceeding?

21 MR. BATRA: No, no, it's not about the
22 reimbursement of fees issue. It is the
23 description of the -- of -- I have no
24 problem, for example, date and time. I have

ADELE PANE

210

1 a problem with the description of what
2 occurred. I don't think you're entitled to
3 that. And, in fact, what we provided you was
4 with appropriate redactions for that purpose.
5 So the problem I have is that Mrs. Pane is
6 producing stuff that's not hers to produce.

7 MR. TROETTI: Okay.

8 MR. BATRA: That's the problem.

9 MR. TROETTI: All right. Well, it's
10 been produced, we have it.

11 MR. BATRA: I know.

12 MR. TROETTI: I read it. I have no
13 intention of marking it separately from the
14 overall --

15 MR. BATRA: That's fine, you know
16 what --

17 MR. TROETTI: -- exhibit here.

18 MR. BATRA: -- the legalities involved
19 here are more difficult than the issues,
20 that's fine.

21 MR. TROETTI: And it appears it was
22 submitted to Mrs. Pane anyway.

23 MR. BATRA: No, it was submitted to Gina
24 Pane.

ADELE PANE

211

1 MR. TROETTI: Anyway.

2 MR. BATRA: Yeah.

3 Q. Is this the invoice you received, the
4 two-page document part of Defendants' Exhibit 2,
5 on the letterhead of Tony Castro dated August
6 18th, 2006?

7 A. Yes, that's it.

8 Q. Have you received any other invoices
9 from Mr. Castro for his representation of your
10 daughter in the criminal proceeding?

11 A. No.

12 Q. Have you ever received any invoice from
13 any other lawyer for any type of representation
14 they provided to your daughter in defense of the
15 criminal charges?

16 A. No.

17 Q. Did you pay all or any part of the
18 invoice dated August 18th, 2006, tendered to you
19 by Tony Castro, Esq.?

20 A. Part.

21 Q. How much of that invoice have you paid
22 to date?

23 A. Well, I've got the canceled checks here,
24 3,000 -- \$6,000.

ADELE PANE

215

1 Q. To your knowledge, has Gina paid any sum
2 for legal services rendered to her in defense of
3 the criminal case?

4 A. She's reimbursed myself.

5 Q. Okay. When did she reimburse you?

6 A. A little bit of a paycheck every month
7 until it was paid.

8 Q. Okay. And so to date, how much has she
9 reimbursed you?

10 A. The total amount, \$6,000.

11 Q. And has she done that by check or in
12 some other --

13 A. Cash.

14 Q. She's given you cash?

15 A. She cashes her paycheck and she gives me
16 most of it and has spending money.

17 Q. Okay. So when did she make the last --
18 so far how much has she reimbursed you to date?

19 A. \$6,000.

20 Q. When did she make the last payment to
21 you in cash?

22 A. My husband handled all that, because he
23 does the money, so you would get a more correct
24 answer from him.

COPY
280

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X
GINA ANNE NOEL PANE,

Plaintiff,

-against-

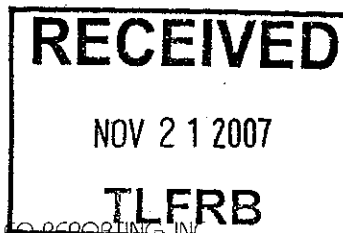
Index No.
07 CV 3216
(WP4)(LMS)

THE TOWN OF GREENBURGH, JOHN KAPICA, in his
Capacity as CHIEF OF THE GREENBURGH NEW YORK
POLICE DEPARTMENT, ERIK WARD, POLICE OFFICER
MICHAEL MUESSER, SERGEANT ROBERT GRAMAGLIA,
SERGEANT FRANCIS PUMILLO, DETECTIVE FERTIG, JOHN
DOE POLICE OFFICERS 1-10, SO NAMED AS THEIR
IDENTITIES HAVE YET TO BE ESTABLISHED,

Defendants.

- - - - -X
November 12, 2007
11:35 a.m.

CONTINUED DEPOSITION of ADELE PANE, non-party
witness herein, taken pursuant to Subpoena, and
held at the offices of Stecich Murphy & Lammers,
828 South Broadway, Suite 201, Tarrytown, New
York, before Michael McAliney, a Court Reporter
and Notary Public of the State of New York.



ADELE PANE

452

1 are circled?

2 A. Yes.

3 Q. Okay. Did you circle those particular
4 entries, of the ones that are circled?

5 A. I think my husband did.

6 Q. Okay. And do you know why your husband
7 circled the time entries on Mr. Castro's two-page
8 bill marked as Defendants' Exhibit 5?

9 A. Because those were related to her DWI,
10 her criminal case.

11 Q. Okay. And why did your husband circle
12 the time entries related to your daughter's DWI
13 case?

14 A. Because that's what we were paying for.

15 Q. And the entries on Mr. Castro's bill
16 which are not circled, were for legal services
17 billed by Mr. Castro which you and your husband
18 were not going to pay?

19 A. They were related to the lawsuit.

20 Q. Okay. And because they were related to
21 the lawsuit, that is the entries which are not
22 circled, you and your husband were not going to
23 pay for those legal services?

24 A. Correct.

ADELE PANE

453

1 Q. And did you discuss with Mr. Castro on
2 January 24th, who, if anyone, would pay for legal
3 services rendered by him in connection with
4 services unrelated to the criminal case?

5 A. I think Gina discussed that, because I
6 -- I don't know.

7 Q. Okay.

8 A. I think that was between Gina and Tony.

9 Q. All right. So your understanding was,
10 to the extent of your responsibility and that of
11 your husband, for the payment of Mr. Castro's
12 legal expense only related to the --

13 A. DWI.

14 Q. -- the criminal charges brought against
15 your daughter?

16 A. Correct.

17 Q. All right. And so did you pay his bill
18 in full as you had contemplated?

19 MR. BATRA: Objection to the
20 characterization.

21 A. It's paid according to what the checks
22 are, which amounted to \$6,000.

23 Q. All right. And on the second page of
24 Mr. Castro's bill marked as Defendants' Exhibit